



Service of Process Transmittal Summary

TO: Sirena Barlow
YELLOW CORPORATION
11500 OUTLOOK ST STE 400
OVERLAND PARK, KS 66211-1804

RE: Process Served in Missouri

FOR: USF Holland LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: JOHN GASSA WAY // To: USF Holland LLC

DOCUMENT(S) SERVED: Letter, Return, Complaint

COURT/AGENCY: 20th Judicial Davidson County -District Court, -
Case # 22C821

NATURE OF ACTION: Personal Injury - Vehicle Collision - 05/21/2021

PROCESS SERVED ON: C T Corporation System, Clayton, MO

DATE/METHOD OF SERVICE: By Process Server on 05/03/2022 at 02:09

JURISDICTION SERVED: Missouri

APPEARANCE OR ANSWER DUE: Within 30 days from the date of this summons served upon you

ATTORNEY(S)/SENDER(S): Joseph C. Johnsen
810 Broadway, Suite 500
Nashville, TN 37203

ACTION ITEMS: CT has retained the current log, Retain Date: 05/03/2022, Expected Purge Date:
05/08/2022

Image SOP

Email Notification, Tracy Vandover tracy.vandover@yrcw.com

Email Notification, Danna Cannon danna.cannon@yrcw.com

Email Notification, PATRICE BROWN patrice.brown@myyellow.com

Email Notification, Joseph Pec joseph.pec@yrcw.com

Email Notification, Nancy Allison nancy.allison@yrcw.com

Email Notification, Chris Garcia chris.garcia@yrcw.com

Email Notification, Sirena Barlow sirena.barlow@yrcw.com

Email Notification, Denise Williams denise.williams@myyellow.com

REGISTERED AGENT CONTACT: C T Corporation System
120 South Central Avenue
Clayton, MO 63105



866-331-2303
CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

PROCESS SERVER DELIVERY DETAILS

Date: Tue, May 3, 2022
Server Name: SRI SRI

Entity Served	USF HOLLAND LLC
Case Number	22C821
Jurisdiction	MO

Inserts		



Service ID 291795

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

JOHN GASSAWAY

Plaintiff

CIVIL ACTION
DOCKET NO. 22C821
Method of Service:
Personal Service

vs.

USF HOLLAND LLC
C/O C T CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

Defendant

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this Summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the Complaint.

ISSUED: 04/28/2022

RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By: 

Deputy Clerk

ADDRESS OF PLAINTIFF'S ATTORNEY OR PLAINTIFF:

JOSEPH C. JOHNSON
810 BROADWAY
SUITE 500
NASHVILLE, TN 37203

NOTICE TO THE DEFENDANT:

Tennessee law provides a Ten Thousand and 00/100 Dollars (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.



To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 291795

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

JOHN GASSAWAY

Plaintiff

CIVIL ACTION
DOCKET NO. 22C821
Method of Service:
Personal Service

vs.

USF HOLLAND LLC
C/O C T CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

Defendant

RETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 20____, I:

_____ served this Summons and Complaint/Petition on _____ in the following manner:

_____ failed to serve this Summons within 90 days after its issuance because _____

Sheriff/Process Server



To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

8. Defendant Gregory Jenkins is 100% at-fault for the collision.
9. Defendant Gregory Jenkins failed to obey traffic control signals and/or signs.
10. Defendant Gregory Jenkins failed to maintain a proper lookout.
11. Defendant Gregory Jenkins failed to pay proper attention.
12. Defendant Gregory Jenkins failed to keep the vehicle he was operating under proper control.
13. Defendant Gregory Jenkins failed otherwise to use reasonable and due care in the operation of the vehicle he was operating so as to avoid injury to other persons using the roadway, including Plaintiff John Gassaway.
14. Based on Defendant Gregory Jenkins's conduct described herein, he was negligent.
15. Defendant Gregory Jenkins violated Tenn. Code Ann. § 55-8-136 by failing to exercise due care to avoid colliding with the vehicle Plaintiff John Gassaway was operating, by failing to maintain a safe lookout, by failing to keep the vehicle he was operating under proper control, and by failing to devote full time and attention to operating the vehicle he was driving, under the existing circumstances to avoid endangering life, limb or property.
16. Based on Defendant Gregory Jenkins's conduct described herein, Defendant Gregory Jenkins was negligent *per se*.
17. At all times relevant to the matters alleged herein, Defendant USF Holland LLC, was the owner of the vehicle that Defendant Gregory Jenkins was operating at the time of the collision.
18. At all times relevant to the matters alleged herein, the vehicle that Defendant Gregory Jenkins was operating at the time of the collision was registered in the name of Defendant USF Holland.

19. Plaintiff John Gassaway invokes the presumptions of Tenn. Code Ann. §§ 55-10-311 and 312.

20. At all times relevant to the matters alleged herein, Defendant Gregory Jenkins was driving the vehicle with the permission of Defendant USF Holland LLC.

21. At all times relevant to the matters alleged herein, Defendant Gregory Jenkins was an agent, employee, or both of Defendant USF Holland LLC.

22. At all times relevant to the matters alleged herein, Defendant Gregory Jenkins was acting in the course and scope of his agency, employment, or both on behalf of Defendant USF Holland LLC.

23. At all times relevant to the matters alleged herein, Defendant USF Holland, is vicariously responsible for the negligent acts, omissions, or both of Defendant Gregory Jenkins under the doctrine of *respondeat superior*.

24. At all times relevant to the matters alleged herein, Defendant USF Holland LLC, knew or reasonably should have known of Defendant Gregory Jenkins's propensity to operate vehicles in a negligent manner so as to create an unreasonable risk of harm to others.

25. Plaintiff John Gassaway has suffered injuries as a direct and proximate result of the collision.

26. Plaintiff John Gassaway has incurred medical bills and other expenses as a direct and proximate result of the collision.

27. Plaintiff John Gassaway has endured physical pain and mental suffering as a direct and proximate result of the collision.

28. Plaintiff John Gassaway has suffered loss of enjoyment of life as a direct and proximate result of the collision.

29. Plaintiff John Gassaway has suffered lost wages, loss of earning capacity, or other out of pocket expenses, or some combination thereof, as a direct and proximate result of the collision.

30. Plaintiff John Gassaway seeks to recover for all of his damages allowed under Tennessee law.

WHEREFORE, Plaintiff John Gassaway prays for the following relief:

1. A judgment for compensatory damages against Defendant Gregory Jenkins and Defendant USF Holland LLC, jointly and severally, in an amount to be determined by the trier of fact, but in excess of \$25,000;
2. An award of all discretionary costs and court costs; and
3. Such other and further relief as shall be deemed reasonable, just, and necessary.

Dated this the 28th day of April 2022.

Respectfully Submitted,

MORGAN & MORGAN - NASHVILLE

/s/ Joseph C. Johnsen

Joseph C. Johnsen (BPR #25484)

810 Broadway, Suite 105

Nashville, TN 37203

Phone: (629) 221-6511

Fax: (629) 221-6533

jcjohnsen@forthepeople.com

Attorney for Plaintiff

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE IN NASHVILLE

JOHN GASSAWAY,

Plaintiff,

v.

**GREGORY JENKINS and USF
HOLLAND, LLC,**

Defendant.

No.: 22C821

NOTICE OF FILING OF NOTICE OF REMOVAL TO FEDERAL COURT

TO: Richard Rooker
1 Public Square, Suite 302
P.O. Box 196303
Nashville, TN 37201

Please take notice that Defendants USF Holland, LLC and Gregory Jenkins, by counsel, pursuant to 28 U.S.C. § 1441, *et seq.*, have filed in the United States District Court for the Middle District of Tennessee, a Notice of Removal of the above-captioned cause of action from the Davidson County Circuit Court to the United States District Court for the Middle District of Tennessee. A copy of the Notice of Removal is attached as Exhibit 1. The basis for removal of this cause of action is diversity jurisdiction and an amount in controversy exceeding \$75,000.00, which places original jurisdiction over this matter with the District Court. Pursuant to 28 U.S.C. § 1446(d), the Davidson County Circuit Court shall proceed no further on this case unless and until the case is remanded by the United States District Court for the Middle District of Tennessee.

Please promptly acknowledge receipt and filing of this Notice and the copy of the Notice of Removal in your office by completing and signing the Acknowledgment found at the bottom

of this Notice, an extra copy of which is enclosed for this purpose, with the request that it be returned when signed.

ACKNOWLEDGEMENT

I, Richard Rooker, Circuit Court Clerk of Davidson County, Nashville, Tennessee, do hereby acknowledge receipt of the above notice and papers referred to therein, and certify that I have on the date and hour below stated, filed the said copy of the Notice to remove this cause to the United States District Court at Nashville, Tennessee, this ____ day of May, 2022.

Circuit Court Clerk
Davidson County, Nashville, Tennessee

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/ John R. Tarpley

John R. Tarpley, BPR # 9661
jtarpley@lewisthomason.com
424 Church Street, Suite 2500
P.O. Box 198615
Nashville, TN 37219
(615) 259-1366

*Attorney for Defendant USF Holland, LLC
and Gregory Jenkins*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Filing of Notice of Removal to Federal Court has been served on the following counsel of record by placing postage prepaid envelope in United States Mail Service, addressed to:

Joseph C. Johnsen, Esq.
Morgan & Morgan - Nashville
PLLC, 810 Broadway, Suite 105
Nashville, TN 37203

This the 26th day of May 2022.

/s/ John R. Tarpley

John R. Tarpley